GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2855
ANSWERED ON:05.12.2002
SETTING UP OF UP ENVIRONMENTAL COURTS
SHYAMA SINGH

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court has asked Law Commission to consider the issue of setting up of environmental courts in the country;

(b) if so, whether the Government has set up any environmental courts on the directives of the Supreme Court;

(c) if so, the details thereof; and

(d) the extent to which the environmental cases which are presently pending in High courts and Supreme Court would be resolved by environmental courts?

Answer

MINISTER OF LAW & JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) The Supreme Court of India in A.P. Pollution Control Board (II) Vs. Prof. M.V. Naidu (Retd.) and others, 2000 (8) SCALE,23, i Para 71observed as under :

`In as much as most of the statutes dealing with environment are by Parliament, we would think that the Law Commission could kindly consider the question of review of the environmental laws and the need for constitution of Environmental Courts with experts in environmental law, in addition to judicial members, in the light of experience in other countries`.

In view of the above Judgment, the Law Commission has taken up the study of Environmental Laws with the issue of setting up of Environmental Courts in our country. The study on it is still in progress.

(b) No, Sir.

(c) Does not arise

(d) As environmental courts are yet to be set up and their powers, jurisdiction and procedure are yet to be worked out, it is difficult to assess their impact on the cases pending in High Courts and the Supreme Court.